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**JUL 06 2007**

**OFFICE OF PETITIONS**

In re Application of

Schultes, et al.

Application No. 10/501,467

Filed: July 14, 2004

Attorney Docket No. 252886USOPCT...

DECISION ON PETITION

This is a decision on the petition filed May 21, 2007, which will be treated as a petition under 37 CFR 1.182 to acknowledge a request for express abandonment.

The petition under 37 CFR 1.181 is granted.

A review of the application file reveals that a communication, titled "Express Abandonment under 37 CFR 1.138" was filed on May 15, 2007, requesting that the above-cited application be expressly abandoned in favor of continuing application serial number 11/748,874 filed May 15, 2007. The records as maintained by the USPTO indicate that the subject application was expressly abandoned on May 15, 2007. Prior to the May 15, 2007, the application was in a pending status with a non-final Office action having been mailed on November 15, 2006, and allowing a shortened statutory period for reply of three months from its mailing date. It is noted that applicant obtained a request for an extension of time within the third month on May 15, 2007, and filed a continuing application and the "Express Abandonment under 37 CFR 1.138" expressly abandoning application 10/501,467.

The fee for a petition under 37 CFR 1.182 is \$400.00. The amount of \$400.00 will be charged to deposit account 15-0030.

No further action will be taken on application 10/501,467.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

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Office of Petitions